

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
LAW 6710 - FAMILY LAW
Spring 2024
Professor Heather Kolinsky
Holland Hall 180
Tuesday/Thursday 9:00am to 10:25am

Introduction

Welcome to Family Law! Family law explores the legal regulation of the family and its component members. While traditionally based in state law, family law also incorporates elements of federal law and draws on foundational constitutional principles. Families are afforded special protection in the law, but family members also have special duties and responsibilities because of their membership in the family. As the legal definition of a “family” continues to evolve, family law itself continues to evolve and change. It’s an exciting time and I look forward to our semester together!

Objectives

At the end of this semester, you should be able to:

- Articulate the background constitutional principles that animate family law.
- Identify and describe common requirements for legally valid marriage and divorce.
- Articulate the various and sometimes competing equitable and legal considerations that factor into court decisions about the division of marital property, alimony, child custody, and child support and use your knowledge of those equitable and legal considerations to build persuasive arguments.
- Demonstrate the ability to conduct a comprehensive written analysis of a family law issue.
- Understand the range of state law variance in family law and how such variations can affect the outcome of a family law dispute.

Structure & Organization

As detailed in the draft schedule of classes below, this course is organized into six main sections: (1) foundational concepts, (2) marriage (3) parenthood, (4) divorce, (5) other considerations, and (6) child support and custody. You can think of the first three sections as concerning primarily family creation and maintenance, while the last three sections are about family dissolution and obligations following dissolution.

Contact Information

You are encouraged to come by my office (Holland Hall 343) with questions or concerns. My formal office hours are Mondays and Wednesdays from 5:00pm – 6:15pm, but feel free to stop by anytime my office door is open or to contact me in order to schedule a specific time to meet. My email address is kolinsky@law.ufl.edu. In cases of emergency, you can text me at (407)701-4552.

Class Policies & Procedures

Reading for Class

The majority of the readings will come from Abrams, Cahn, Ross, Meyer & McClain, *Contemporary Family Law* (5th ed.). It is abbreviated throughout the syllabus as “CFL.” You are responsible for reading all the assigned class material, whether we cover all of the material during class or not. All students can receive 15% off the cost of the book, if purchased from West Academic’s online store (<https://www.westacademic.com/>) by using the school-specific promotional code WAUF. The code will also enable you to receive free temporary digital access to the book immediately after purchase, so you can read online until the print version arrives.

From time to time, additional optional readings may be posted on Canvas. For each major case that appears in the assigned reading, you should prepare a case brief prior to class. I invite you to include critical perspectives on the cases we read in your briefs – What facts are suspiciously absent or not discussed? How do larger themes animate the outcome? How might bias play a role in how the parties were perceived?

Computer Policy

Sometimes we will begin class with a short (5-15 minute) period in which computers are not permitted. You are welcome to use a computer to take notes for the remainder of the class period, but if you choose to do so, please be respectful of those around you.

Grading

Your grade is comprised of three components: a final exam (80%), class assignments (10%), and attendance and participation in class discussions (10%).

Final Exam

I anticipate that the final exam will consist of multiple choice questions, short answer questions, and one long essay. There will be a review scheduled prior to the exam where you can ask questions about any of the material we covered.

Class Assignments

There will be additional in-class assignments throughout the course of the semester, as indicated on the attached schedule. These assignments are meant to give you a chance to test your understanding of the concepts as well as to try out some of the most important skills that you will need in practice.

If you will not be in class for the days that there are scheduled in-class assignments, you will need to make up the assignment. Let me know as soon as possible if you will be absent for any of these classes.

Attendance

Attendance in class is required by both the ABA and the Law School. I expect everyone to attend class, to keep up with reading and assignments, and to participate in class discussions. At the start of each class, you will need to sign-in on the attendance sheet. Failure to sign in will result in an absence for that class.

Students are allowed a limited number of absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

We will start our semester with voluntary class participation. If voluntary participation is not robust, I reserve the right to move to a cold-calling system.

If you do not accrue more than the allowed number of absences, voluntarily participate, and are prepared when called upon in class, you will receive full credit for attendance and participation as 10% of your final grade.

ABA Out-of-Class Hours Requirements

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly set of classes is approximately 3 hours in length, requiring at least **6 hours of preparation** outside of class.

Other Institutional Information

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link:

<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>

Other Matters

This class will touch on issues about which you may have strong feelings, possibly based in personal experience, religious conviction, or political views. I ask that you engage with the material and your classmates with compassion and respect. I reserve the right to ask anyone who is incapable of doing so to leave class.

Schedule of Reading and In-Class Assignments

We will endeavor to stay on schedule, with the understanding that life sometimes intervenes. I anticipate minor adjustments after the first few weeks as needed to accommodate our pace as we move forward.

SCHEDULE OF READING & ASSIGNMENTS	
January 16 – Class One Introduction to Class Policies and Procedures	Syllabus
Foundational Concepts of Family Law	
January 18 – Class Two Families and the Law	CFL 4 (beginning Section 1) – 19 (through n.5); excerpt on Canvas. <i>Moore v. City of East Cleveland</i>
January 23 – Class Three The Right to Privacy	CFL 21–34 (through n.5), 42 (beginning Section B) – 52 <i>Griswold v. Connecticut</i> <i>Lawrence v. Texas</i>
Marriage	
January 25 – Class Four The Right to Marry	CFL 65 – 67, 73 (beginning Section B) – 83 (through n.6), 87 (beginning n.2) – 113 <i>Zablocki v. Redhail</i> <i>Obergefell v. Hodges</i>
January 30 – Class Five Prerequisites to Valid Marriage	CFL 146 (beginning Section 5) – 178 <i>In re Estate of Santolino</i> <i>In re Estate of Hunsaker</i> <i>Williams v. Williams</i>
February 1 – Class Six Family Support Obligations	CFL 179 – 181 (through n.3), 204 (beginning n.3) – 213 (through n.2) <i>McGuire v. McGuire</i>
Parenthood	
February 6 – Class Seven Establishing Parenthood <i>In Class Exercise</i>	CFL 305 – 327; supplemental materials on Canvas <i>Michael H. v. Gerald D.</i>
February 8 – Class Eight Other Paths to Parenthood	CFL 328 – 338 (through n.3); 343 (beginning with the UPA) – 355 (through Cal. Fam. Code § 7612) <i>Pavan v. Smith</i>

Divorce	
February 13 – Class Nine Fault-Based Divorce	CFL 501 (beginning Section 4) – 525 (omit problems on pgs 518 & 525) • <i>Das v. Das</i> • <i>Mick-Skaggs v. Skaggs</i> • <i>In re Marriage of Hightower</i>
February 15 – Class Ten No-Fault Divorce & Other Types of Separation	CFL 525 (beginning Section 5) – 542 (through n.6) • <i>Frey v. Frey</i> • <i>Richter v. Richter</i>
February 20 – Class Eleven Division of Marital Property	CFL 561 – 567 (stopping before A Sample Title Theory Regime); 570 (beginning Section 2) – 589 (through n.5) • <i>Nack v. Edwards Nack</i> • <i>Middendorf v. Middendorf</i>
February 22 – Class Twelve Division of Marital Property Cont.	CFL 603 (beginning Section 5) – 619 (through n.8), 622 (beginning Section B) – 631 (through n.5) • <i>Crider v. Crider</i> • <i>Ketterle v. Ketterle</i>
February 27 – Class Thirteen Alimony	CFL 651, 658 – 665 (through n.5), 668 (beginning Section 1) – 676 (through n.3) • <i>Parisien v. Parisien</i> • <i>Young v. Young</i>
February 29 – Class Fourteen Alimony Cont.	CFL 680 (beginning Section 4) - 692 • <i>Martindale v. Martindale</i>
Other Considerations	
March 5 – Class Fifteen Non-Marital Relationships	CFL 253 – 277 • <i>Marvin v. Marvin</i> • <i>Blumenthal v. Brewer</i>
March 7 – Class Sixteen Private Agreements	CFL 1057 – 1063, 1071 (beginning Section B) – 1093 (through n.3) • <i>Mallen v. Mallen</i> • <i>In re Estate of Hollett</i>
March 19 – Class Seventeen <i>In Class Exercise</i>	Materials Posted on Canvas

Child Support and Custody	
March 21 – Class Eighteen Child Support	CFL 693 – 703 (through n.6), 708 (beginning Section C) – 718 (through <i>Hastings</i>) • <i>State ex rel. Hermesmann v. Seyer</i> • <i>Pamela T. v. Marc B.</i> • <i>Hastings v. Hastings</i>
March 26 – Class Nineteen Child Support Cont. <i>In Class Exercise</i>	CFL 727 (beginning Section C) – 742 • <i>Ciampa v. Ciampa</i> • <i>In re Marriage of Nelson</i>
March 28 – Class Twenty Child Custody	CFL 773 – 800 • <i>McDermott v. Dougherty</i>
April 2 – Class Twenty-One Child Custody Cont.	CFL 812 (beginning Section 4) – 832 • <i>Blevins v. Bardwell</i> • <i>Kaptein v. Kaptein</i>
April 4 – (Class Twenty-Two) <i>In Class Exercise</i>	Materials on Canvas
April 9 – Class Twenty-Three Child Custody Cont.	CFL 838 (beginning Section D) – 867 • <i>Arthur v. Arthur</i> • <i>Schechter v. Schechter</i>
April 11 – Class Twenty-Four Visitation & Custody Disputes	CFL 895 – 918 • <i>Nicita v. Kittredge</i> • <i>Usack v. Usack</i>
April 16 – Class Twenty-Five Child Custody Modification	CFL 939 (beginning Section 3) – 966 (through n.10) • <i>Kristen L. v. Benjamin W.</i> • <i>Aragon v. Aragon</i>
The End of the Road	
April 18 – Class Twenty-Six Family Law Practice & Jurisdictional Issues	CFL 1129 – 1136 (through n.3), 1144 (beginning Section 3) – 1151, 1159 (beginning Section a) – 1164 • <i>Gaboury v. Gaboury</i> • <i>In re Myrland</i>